

**COURT OF THE LOK PAL (OMBUDSMAN),  
ELECTRICITY, PUNJAB,  
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,  
S.A.S. NAGAR (MOHALI).**

**(Constituted under Sub Section (6) of Section 42 of  
Electricity Act, 2003)**

**APPEAL No. 13/2023**

**Date of Registration : 15.05.2023**

**Date of Hearing : 24.05.2023**

**Date of Order : 24.05.2023**

**Before:**

**Er. Gurinder Jit Singh,  
Lokpal (Ombudsman), Electricity, Punjab.**

**In the Matter of:**

Sh. Jagdev Singh,  
100-A, Sarabha Nagar,  
Ludhiana-141001

**Contract Account Number: 3002506998 (DS)**

...Appellant

Versus

Addl. Superintending Engineer,  
DS Aggar Nagar (Spl.) Divn.,  
PSPCL, Ludhiana.

...Respondent

**Present For:**

Appellant: (1) Sh. Atul Walia,  
Appellant's Representative.  
(2) Sh. Pawan Kumar,  
Appellant's Representative

Respondent : Er. Daljit Singh,  
Addl. Superintending Engineer,  
DS Aggar Nagar (Spl.) Divn.,  
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 09.05.2023 of the Corporate Consumer Grievances Redressal Forum, Ludhiana (Corporate Forum) in Case No. CF-053/2023, deciding that:

*“As per Regulation 2.16 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2nd Amendment) Regulations, 2021*

*‘The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority or any other Forum established by law, or where a decree award or a final order has already been passed by any competent Court, Authority or Forum’.*

*In view of the above, the present petition is dismissed as the case is pending before Hon’ble Civil Judge, Senior Division, Ludhiana.”*

## **2. Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 12.05.2023 i.e. within the period of thirty days of receipt of the decision dated 09.05.2023 of the CCGRF, Ludhiana in Case No. CF-053/2023. The Appellant submitted Receipt No. 188529741 dated 09.11.2022 of ₹ 15,280/- & Receipt No. 191493135 dated 14.02.2023 of ₹ 19,533/- along with the Appeal as proof of deposit of stipulated 40% of the disputed amount. The Appellant’s Representative filed the Appeal without the

Vakalatnama/ Authorization from the Appellant. The Appellant was requested vide this office Memo No. 391/OEP/Jagdev Singh dated 12.05.2023 to provide the Vakalatnama/ Authorization so that the Appeal can be considered for the registration in this office. The same was provided by the Appellant's Representative on 15.05.2023. Therefore, the Appeal was registered on 15.05.2023 and copy of the same was sent to the Addl. SE/ DS Aggar Nagar (Spl.) Divn., Ludhiana for sending written reply/ para wise comments with a copy to the office of the CCGRF, Ludhiana under intimation to the Appellant vide letter nos. 394-96/OEP/A-13/2023 dated 15.05.2023. Later, the Respondent in his reply vide Memo No. 2534 dated 18.05.2023 submitted that the Appellant had not deposited the requisite 40% of the disputed amount as Receipt No. 191493135 dated 14.02.2023 of ₹ 19,533/- pertained to the current bill for the month of 01/2023. So the Appellant was asked to deposit the balance 20% of the disputed amount. The Appellant deposited the balance amount vide Receipt No. 193907293 dated 19.05.2023 of ₹ 15,500/-.

### **3. Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 24.05.2023 at 12.00 Noon and intimation to this effect was sent to both the parties vide letter nos. 401-02/OEP/

A-13/2023 dated 17.05.2023. As scheduled, the hearing was held in this Court and arguments of both the parties were heard.

#### **4. Submissions made by the Appellant and the Respondent**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral deliberations made by the Appellant's Representative and the Respondent along with material brought on record by both the parties.

##### **(A) Submissions of the Appellant**

##### **(a) Submissions made in the Appeal**

The Appellant made the following submissions in his Appeal for consideration of this Court:-

- (i) The Appellant was having a DS Category Connection, bearing Account No. 3002506998 with sanctioned load of 7.700 kW under DS Aggar Nagar (Spl.) Division, PSPCL, Ludhiana.
- (ii) The bill no. 20556141220113314 dated 14.12.2020 amounting to ₹ 2,19,190/- with regard to electric connection bearing A/c No. 3002506998 was challenged on 12.02.2021 in Civil Courts at Ludhiana on the ground that PSPCL was sending bills on average basis at higher side. This Court case was in regard to challenging the bill made on average basis which was pending

in the District Court, Ludhiana for hearing on 24.05.2023. No other ground/relief was sought in this Civil Case.

- (iii) The interim order dated 15.02.2021 of Hon'ble Judge Sh. Jagdeep Singh Marok clearly depicted regarding the allegation of overcharging and average bills at higher side only.
- (iv) During the course of time, payments were made to the PSPCL as per the following details:-

Sr. No.	Date of payment	Amount Paid
1.	01.03.2021	₹ 88,000/-
2.	23.09.2022	₹ 25,000/
3.	23.09.2022	₹ 42,000/
4.	23.09.2022	₹ 25,000/
5.	23.09.2022	₹ 50,000/
6.	23.09.2022	₹ 47,000/
7.	09.11.2022	₹ 15,280/
8.	14.02.2023	₹ 19,533/

- (v) As per Commercial Circular No. 21/2022 dated 03.08.2022, the Respondent had given the waiver of ₹ 2,45,324/- on 19.10.2022 instead of bill dated 16.12.2021 for ₹ 3,00,550/-. Remaining waiver of ₹ 55,226/- was still pending.
- (vi) For the remaining waiver of ₹ 55,226/-, a case bearing no. 99/2022-23 was registered in the Dispute Settlement

Committee (DSC), Ludhiana on 09.11.2022 disputing the current bill dated 22.10.2022 issued to the Appellant for ₹ 76,380/-.

- (vii) The DSC pronounced decision in this regard on 22.03.2023 that this amount pertained to the Appellant's current bills, so relief was not admissible.
- (viii) Whereas fact was that bill issued on 16.12.2021 for ₹ 3,00,550/- should be waived off because as per PSPCL's CC No. 21/2022 dated 03.08.2022, any amount of domestic consumers pending upto 31.12.2021, that was not paid till 30.06.2022, would be waived in full. But the Respondent had waived off only ₹ 2,45,324/- and remaining waiver of ₹ 55,226/- was pending.
- (ix) Aggrieved with the order of the DSC, the Appellant challenged the decision of the DSC in the Corporate Forum, Ludhiana on 25.04.2023 and the case was registered bearing Case No. CF-053/2023.
- (x) On 09.05.2023, hearing was done in the Corporate Forum, Ludhiana, where the Appellant was astonished/ surprised to see that the Corporate Forum did not hear regarding the facts of the Petition and painted a false frivolous story that the amount of dispute was pending before the Hon'ble Civil Judge, Ludhiana.

Whereas the fact was that the Petition pending before Civil Court, Ludhiana was regarding the issuing of average bills at higher side and also requested to change the Appellant's meter. The CCGRF, Ludhiana earlier in letter ordered to change the meter as the Appellant had already paid the meter change fee.

(xi) The Appellant drew the attention of Hon'ble Ombudsman, Electricity, Punjab that Civil Petition no. 9475/2022 (earlier CS-34/2021) was registered to get relief against average bill issued whereas the Appellant had approached DSC and further CCGRF, Ludhiana for different cause regarding short waiver pending as per PSPCL's CC No. 21/2022 dated 03.08.2022. It was very surprising to see that DSC/ CCGRF unnecessarily stuffing the false things diverted the attention by stating that similar relief had been sought in Civil Petition which was much earlier filed in 2020 whereas CC No. 21/2022 dated 03.08.2022 was issued much later with a gap of 2 years. So please give fair justice to the Appellant.

(xii) The CC No. 21/2022 dated 03.08.2022 issued vide Memo No. 248/253/SV by the PSPCL stated as under:

*“As per Deptt. of Power, GoP office Memo No. 2/22/2016-EB2/469 dated 13.07.2022, Council of Ministers, Govt. of Punjab in its meeting held on 06.07.2022 has decided to waive off the pending arrears as on 31.12.2021 and not paid up to*

*30.06.2022 of electricity bills of all domestic consumers (running/ disconnected, using electricity for residential purpose only.....).”*

(xiii) The following relief was sought under CC No. 21/2022 dated 03.08.2022 issued by the PSPCL:-

- a) The bill dated 16.12.2021 for ₹ 3,00,550/- was due on 29.12.2021 (for cheque) and 31.12.2021 (for cash/online), which was not paid upto 30.06.2022.
- b) The bill dated 16.12.2021 falls under the CC No. 21/2022 dated 03.08.2022.
- c) The Respondent had waived off only ₹ 2,45,324/- on 16.10.2022.
- d) The remaining waiver amount of ₹ 55,226/- (i.e. ₹ 3,00,550/- minus ₹ 2,45,324/-) was still pending, so the same amount be waived off.

**(b) Submissions made in the Rejoinder**

The Appellant made the following submissions in his Rejoinder to the Appeal for consideration of this Court:-

- (i) As stated Civil Suit was filed on 12.02.2021 before Hon'ble District Court, Ludhiana by the Appellant aggrieved from receiving average bills challenging amount in Petition for ₹ 2,19,190/-. The Appellant had also deposited 40% of the amount of the bill i.e. ₹ 88,000/- on 01.03.2021 as per order

pronounced by Hon'ble Judge. The Appellant draw kind attention that he had come before the Court of Ombudsman, Electricity, Punjab to seek relief as per PSPCL Commercial Circular No. 21/2022 dated 03.08.2022. The Respondent had admitted in his written reply at point no. 4 that they had waived off on 03.11.2022 the only arrear amounting to ₹ 2,45,324/- as on 31.10.2021.

- (ii) The Appellant prayed very rightly on the issue that CC No. 21/2022 dated 03.08.2022 speak itself:-

*“As per Deptt. of Power, GoP office Memo No. 2/22/2016-EB2/469 dated 13.07.2022, Council of Ministers, Govt. of Punjab in its meeting held on 06.07.2022 has decided to waive off the pending arrears as on 31.12.2021 and not paid up to 30.06.2022 of electricity bills of all domestic consumers (running/disconnected, using electricity for residential purpose only.....).”*

- (iii) Hence the Appellant's bill-cum-invoice no. 20556161221083105 dated 16.12.2021 for ₹ 3,00,550/- due on 31.12.2021, falls for complete waiver as on 31.12.2021 as per CC No. 21/2022 dated 03.08.2022, because it was not paid up to 30.06.2022.

- (iv) So as prayed in the Appeal pending before the Court of Ombudsman, Electricity, Punjab for consideration, the

Appellant had requested to look into the matter. The PSPCL had already admitted the fact that they had waived off only upto 31.10.2021 & not upto 31.12.2021 as per its circular.

- (v) So, the balance waiver was pending for ₹ 55,226/- (i.e. ₹ 3,00,550/- minus ₹ 2,45,324/-) alongwith surcharge and penal interest levied thereon as he had suffered these penalties due to delaying practices of the PSPCL.
- (vi) Further the Corporate Forum, Ludhiana did not decide the case on merits. Just escaping from the decision, CCGRF, Ludhiana put all the decision in the melly and had not decided the case on merits as the Appellant had strongly contested that the petition pending in Civil Court was for another purpose (the bills were being issued on average basis at that time) filed two years back in 2020. It was not concerned with the present circumstances which had arisen in 2022 challenging the CC No. 21/2022 dated 03.08.2022. The Appellant was flabbergasted to see that how a high level Forum like CCGRF intermingled the things to give biased order in favour of the PSPCL. As per the written reply by the Respondent, it was very clear that they had admitted that they had waived off only upto 31.10.2021, so kindly decide the case on merits.

- (vii) Surprisingly the Dispute Settlement Committee (DSC), in its order said that the balance amount of ₹ 55,226/- was not pending for waiver rather it was the current bill amount. The Appellant was only demanding pending waiver as on 31.12.2021 as per CC No. 21/2022 dated 03.08.2022, how it can be current arrear? Very astonishing to see these types of orders issued from such a responsible Forum.
- (viii) Further the Appellant had paid ₹ 15,280/- on 09.11.2022 and ₹ 19,533/- on 14.02.2023. The Appellant had also deposited ₹ 15,500/- on 19.05.2023. So, as per PSPCL satisfaction, the Appellant had deposited 40% of the disputed amount contested. The Appellant prayed that the Appeal should be decided on merits while seeing all aspects that due to PSPCL negligence the Appellant was suffering.
- (ix) Further, the Appellant requested to waive off all the surcharges/penal interest on late payment as the Appellant had suffered the loss due to the sheer negligence of the PSPCL.

**(c) Submission during hearing**

During hearing on 24.05.2023, the Appellant's Representative (AR) reiterated the submissions made in the Appeal and prayed to allow the same.

**(B) Submissions of the Respondent****(a) Submissions in written reply**

The Respondent submitted the following written reply for consideration of this Court:-

- (i) As submitted by the Appellant, the amount of ₹ 2,19,190/- pertaining to the energy bills was pending in District Court, Ludhiana. The billing of the Appellant was done on actual basis and in the SAP record of 8 years (2015 to 2023) only 3 nos. 'N' code & 2 nos. 'L' code bills had been issued and these had been adjusted in the subsequent 'O' code bills. However, it was submitted that the disputed amount had been waived off as per CC No. 21/2022 dated 03.08.2022. However, the Court case was pending in the District Court, Ludhiana.
- (ii) The amount under dispute had already been waived off as per CC No. 21/2022 dated 03.08.2022.
- (iii) The payments made by the Appellant were against energy bills and recoverable. However, the Appellant had not paid 40% of the disputed amount i.e. ₹ 30,552/- (40% of ₹ 76380/-). The Appellant had only paid ₹ 15,280/- on 09.11.2022 against the disputed amount & the amount of ₹ 19,533/- deposited by the Appellant on 14.02.2023 was the payment of the current bill for the month of 01/2023. Also it was to be mentioned here that the

Appellant had not paid current energy bills for the month of 02/2023, 03/2023, 04/2023 and 05/2023 amounting to ₹ 24,112/- in the garb of getting additional bill waiver as per CC No. 21/2022 dated 03.08.2022.

- (iv) As per CC No. 21/2022 dated 03.08.2022, the waiver list was received through office of IT Section, Head Office, PSPCL, Patiala. This office had waived off the arrear amounting to ₹ 2,45,324/- (outstanding as on 31.10.2021) on dated 03.11.2022 vide Sundry No. SCA 1-14/1/rSAP35.
- (v) The Circle CGRF had decided the case on merit and nothing more was refundable to the Appellant.
- (vi) The Corporate CGRF did not undertake the case of the Appellant as the Court case was pending in the District Court, Ludhiana and the next date of hearing was 24.05.2023.
- (vii) The disputed amount challenged in Civil Court had already been waived off and the relief sought by Appeal was not admissible.

**(b) Submissions made in the Reply to the Rejoinder**

- (i) The waiver list as per CC No. 21/2022 dated 03.08.2022 was received through office of IT Section, Head Office, PSPCL, Patiala. This office had waived the arrear as per waiver list

received amounting to ₹ 2,45,324/- (outstanding as on 31.10.2021) dated 03.11.2022 vide sundry.

(ii) The arrears of the Appellant amounting to ₹ 2,45,324/- had been waived off as per waiver list received by this office from IT Section, Head Office, PSPCL, Patiala.

(iii) Further it was requested that the Appellant had made an online payment of ₹ 450/- on 28.07.2020 which was adjusted against the pending bills by SAP System as this payment was not made against any type of Appellant's request i.e. meter challenge/meter burnt etc.

**(c) Submission during hearing**

During hearing on 24.05.2023, the Respondent reiterated the submissions made in the written reply to the Appeal and prayed for the dismissal of the Appeal. However, the Respondent admitted that 40% of disputed amount stands paid now.

**5. Analysis and Findings**

The issue requiring adjudication is the legitimacy of the claim of the Appellant that waiver of ₹ 55,226/- was less given to him by the PSPCL as per CC No. 21/2022 of the PSPCL.

*My findings on the points emerged, deliberated and analysed are as under:*

- (i) The Corporate Forum in its order dated 09.05.2023 observed as under:-

*“Forum observed that as per point no. 5(b) of reply submitted by the Respondent, the amount of dispute pending before Hon’ble Civil Judge, Senior Division, Ludhiana is included in the amount which has been challenged in this petition under consideration by the Forum.*

*As per Regulation 2.16 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) (2nd Amendment) Regulations, 2021*

*‘The Forum shall not entertain a complaint for which any proceedings are pending before any Court, Authority or any other Forum established by law, or where a decree award or a final order has already been passed by any competent Court, Authority or Forum’.*

***In view of the above, the present petition is dismissed as the case is pending before Hon’ble Civil Judge, Senior Division, Ludhiana.”***

- (ii) I have gone through the written submissions made by the Appellant in the Appeal/ Rejoinder, written reply of the Respondent as well as oral arguments of both the parties during the hearing on 24.05.2023. The Respondent had submitted in his reply that the Appellant had filed a case in the Hon’ble Court of Civil Judge (Sr. Division), Ludhiana for the same subject matter as contained in the present Appeal and the next date of hearing in this case is fixed for 24.05.2023. The

Appellant had also admitted in his Appeal that the same bill amounts were pending in the case before the Hon'ble Court of Civil Judge (Sr. Divn), Ludhiana for which he is seeking waiver as per CC No. 21/2022 dated 03.08.2022 in the present Appeal. The only contention of the Appellant was that the case before the Hon'ble Court of Civil Judge, Senior Division, Ludhiana was for the legality of the high average bills issued to him, while the present Appeal does not challenge the legality of these bills. The present Appeal is regarding not giving full waiver as per CC No. 21/2022. It is observed that this contention of the Appellant does not hold good as the bill amounts covered in the case filed before the Hon'ble Court of Civil Judge (Senior Division), Ludhiana is also included in the present Appeal.

- (iii) The Appellant had filed wrong declaration that the case was not pending before any Authority/ Court of Law/ Arbitrator at the time of filing the present Appeal before this Court.
- (iv) In this connection, I have gone through Regulation 3.18 (iv) of the PSERC (Forum and Ombudsman) Regulations, 2016 reproduced as under:

*“3.18 No representation to the Ombudsman shall lie unless:*

*(iv) The representation by the Complainant, in respect of the same grievance, is not pending in any proceedings*

*before any court, tribunal or arbitrator or any other authority; a decree or award or a final order has not been passed by any such court, tribunal, arbitrator or authority.”*

It is evident from the perusal of above Regulation 3.18 (iv) that the present Appeal is not maintainable in this Court as the Appellant is pursuing the same subject matter in case filed in the Hon'ble Court of Civil Judge (Senior Division), Ludhiana. The Appellant had filed wrong declaration before this Court at the time of filing of this Appeal on 12.05.2023. This Appeal Case is not maintainable as per PSERC (Forum & Ombudsman) Regulations, 2016.

- (v) In view of the above, this Court is not inclined to interfere with the decision dated 09.05.2023 of the Corporate Forum in Case No. CF-053/2023.

**6. Decision**

As a sequel of above discussions, the order dated 09.05.2023 of the CCGRF, Ludhiana in Case No. CF-053/2023 is hereby upheld.

- 7.** The Appeal is disposed of accordingly.

- 8.** As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman)

Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations, 2016.

May 24, 2023  
S.A.S. Nagar (Mohali).

(GURINDER JIT SINGH)  
Lokpal (Ombudsman)  
Electricity, Punjab.

